APPELLATE COURT.

The Judgment Against Directors of the

ALBANY. Nov. 15.—A decision which affects to a great degree the liability and responsibility of directors of corporations was rendered to-day by the Appellate Division of the Supreme Court in an action growing out of the financial difficulties of the United States Shipbuilding Company. This question is discussed at length by presiding Justice Walter Lloyd Smith, who writes the opinion of the court reversing the decision of Justice Van Kirk of the Girectors of the Trust Company of America were responsible for losses sustained by that company in financing the United States Shipbuilding Company some nine years ago. The decision is growing the decision of the European of Charles H. Kavanaugh of Waterford, N. Y., began actions as a stockholder of the Children's courting the decision of Justice Van Kirk. The Appellate Division orders a new trial in their cases.

for the losses sustained. He was repre- granted. sented by Senator Edgar T. Brackett and the case was tried in Saratoga in 1909 BEATTIE'S LAST HOPE GONE. the directors had attended meetings; of the board of directors of the trust commont, Charles D. Marvin, James McMahon, Thomas Crimmins, Charles W. Wetmore,

P. Brooker, George J. Gould, Elbridge D. Snow, Herbert L. Satterlee, George C. Boldt and Stuyvesant Fish.

Justice Van Kirk held each 'defendant liable for loans made at any time while he was a director, although the losses resulted after the termination of his directorship, and found judgment against Gould for \$232,000, and against Satterlee for \$207,000.

As to Satterlee, it was shown on the trial that he attended all the meetings of the directors except one, until he went abroad, and all the meetings after his return until he resigned in January, 1903. The Showing as to Gould was that he were the statement concludes: "The statement concludes: "Therefore showing as to Gould was that he was a director from April to November, 1902, and had never attended a meeting of the directors during his term of action. directors during his term of office, al-

though he was in or near New York.

The appeal of Satterlee brought up the question as to whether a director was liable for acts done by the officers while he was out of the country. The issue raised by Gould's appeal was whether a director is bound to attend meetings in their regular occurrence and whether he may not fulfil the requirements of his duty, although he is absent from all meetings for even six months, provided he attends and makes up the average during the latter part of the year.

The Appellate Division in its decision,

he attends and makes up the average during the latter part of the year.

The Appellate Division in its decision, as expressed in the opinion of Justice Smith, holds that any construction of law that would make it impossible for men of large business connections to accept positions on various boards of directors without a detailed knowledge of the small everyday transactions of the corporation would be "little less than calamitous"; that it appears to be the custom of banks in New York city to intrust to the executive committee of the board the supervision of the detail management of the corporation. The decision continues:

Paul, and he believes the young man's story of being the victim of a conspiracy.

MR. MORRIS PAID UP.

Body Attachment Therefore Not Issued on His Wedding Day.

Some people about the chambers of Judge Niemann's county court at Mineola were wondering yesterday morning whether or not a body attachment issued by the court against Monson Morris of Jericho would serve to interfere with the marriage ceremony yesterday at the

not submitted to them. In other words, it is not their custom to actively search the individual transactions in a bank that they may learn the responsibility of its debtors or the nature or value of the collateral. This they entrust, first, to the executive officers of the bank, who are carefully chosen and paid for their services; secondly, to the supervision of the executive committee of their body, which is chosen with a special reference to this duty and to which committee must be reported weekly all the transactions of the bank. This custom, however, does not relieve directors generally of all responsibility. If the bylaws require monthly meetings they must make diligent effort to be present to advance the interest of the corporation both by advice and counsel and by active work on behalf of the corporation should come to them of irregularity in the proceedings of the bank they are bound to take steps to correct those irregularity in the proceedings of the bank they are bound to take steps to correct those irregularity is the proceedings of the bank they are bound to take steps to correct those irregularity is the proceedings of the bank they are bound to take steps to correct those irregularity is the proceedings of the bank they are bound to take steps to correct those irregularity is the proceedings of the bank they are bound to take steps to correct those irregularity in the proceedings of the bank they are bound to take steps to correct those irregularity in the proceedings of the bank they are bound to take steps to correct those irregularity in the proceedings of the bank they are bound to take steps to correct those irregularity in the proceedings of the bank they are bound to take steps to correct these irregularity in the proceedings of the bank they are bound to take steps to correct these irregularity in the proceedings of the bank they are bound to take steps to correct these irregularity in the proceedings of the bank they are bound to take steps to correct them the corrections and are return roccedings of the bank they are bound to settlement satisfactory to the jewellers. take steps to correct those irregularities. They are bound generally to use every ef- TRY TO MANDAMUS JUDGE fort that a prudent business man would right, however, ordinarily to rely upon the vigilance of the executive committee to

be wholly impossible for them to accept be wholly impossible for them to accept They cannot give the time.

They cannot give the time The court refused on the ground that no power.

The defendant applied to the Appellate such a trust. They cannot give the time to watch the small everyday transactions of the corporation and if chargeable with such knowlednge as would be acquired therefrom the risk is too great for them to run. They are then in effect made answerable for the neglect of the executive exemples and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a Carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a Carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a Carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a Carried up. The fourth trial is to be called soon and the defendant applied to the Appellate Division yesterday for a writ of mandamus against Justice Lehman, saying that the case may never be decided unless a Carried up. The fourth trial is to be called soon and the defendant applied to the Appellate provided the provided that the case may never be decided unless a carried up. The fourth trial is to be called soon and the defendant applied to the Appellate provided the provided that the case may never be decided unless a carried up. The f

Plaintiff's contention is that they must not then accept the position of director. The obvious answer to this contention is that the corporation cannot afford to lose One of the best assets of a corporation is the advice and assistance of men Seabury refused to grant a stay. of business experience and of large busi-Dess connections upon its board. Their advice and assistance is of inestimable value in all emergencies and in determin-

LIABILITY OF BANK DIRECTORS generally are not liable for the negligence of the members of the executive committee as they would in effect so be if they were chargeable with all the knowledge which IMPORTANT DECISION BY THE might be imputable to a member of the executive committee by reason of his supervision of the detail management of the

orporation. Trust Company of America Holding
Them Responsible for Loans to the
Shipbuilding Company is Reversed.

ALBANY. Nov. 15.—A decision which

Scotch to the collection of the colle

N. Y. began actions as a stockholder against the directors of the trust company for the losses sustained. He was rearranted to the decision of Justice Van Kirk be reversed and a new trial

His contention in the case was that the losses would not have been sustained if derer Must Die on November 24.

RICHMOND, Va., Nov. 15. - Gov. William pany in the suremer of 1902. Justice H. Mann declined to-day to grant a stay Van Kirk decided in favor of Kavanaugh.

Judgments ranging from \$232,000 to of the Sentence of Judge Walter Λ. Watson of the Chesterfield Circuit Court, that \$369,000 were found against each of the Henry Clay Beattle, Jr., should die in trust company's directors. Perry Bel- the electric chair on Friday, November 24. The statement of Gov. Mann says that while the Chief Executive sympathizes William D. Balwin, Ballard McCall, Charles with the aged father, that the petitioner Brooker, George J. Gould, Elbridge had able counsel at the trial and that there

Referring to the affidavits of Paul Beattle, the Governor said:
"I do not think the affidavits of Paul

corporation. The decision continues:

The directors generally not on the executive committee are not supposed to have knowledge of the details of the business management of the corporation which are not submitted to them. In other words, it is not their custom to actively search the individual transactions in a bank that they may learn the responsibility of its debtors or the nature or submitted to the nature of the decision continues:

Jericho would serve to interfere with the marriage ceremony yesterday at the content to the worked they never stolen anything. I have worked eventy:

"Madam. You are metale they not a metal nature of the continues."

"Held on, Raymond, whereupon they have eventy at the content to the marriage ceremony yesterday at the content to the worked they never stolen anything. I have worked eventy.

Telegraph Company."

"Hold on, Raymond, "interaction in one season's stock.

The directors with Raymond. Whereupon they have marriage ceremony yesterday at the content to the worked to the marriage ceremony yesterday at the content to the worked to the marriag

use in supervising his own affairs, with the Defendant Wants an Appealable Order in a Thrice Tried Case.

Wolf Goldstein brought suit agains Ascertain and report any irregularity or Schwarzschild & Sulzberger to recover improvident acts in its management. And improvident acts in its management. And this custom is but the outgrowth of the necessities of the situation.

Business men of New York are probably the busiest men in the world. They have large business enterprises in which their first duty belongs. Most of them are directors of them of many. If they are compelled to supervise the detail management of each corporation in which they are directors or if they are deemed to have constructive knowledge of such facts as would are the court to dismiss the complaint of the court to dismiss the complaint before the case went to the jury and the court denied the motion. The jury stood 6 to 6. The defendant then asked the court denied the motion. The jury stood 6 to 6. The defendant the proper respect for drain the effect:

"Dig here!"

The defectives bent to their spades but nothing but dirt was revealed in the hole they made.

"Well, it must have been over here." More spading by lantern light in another put of the defect.

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"Well, it must have been over here." More spading by lantern light in another put of the defect.

"Well, it must have been over here." The defendant asked the court denied the motion. The jury stood 6 to 8. The defendant asked the court denied the motion of the light was revealed in the hole they made.

"Well, it must have been over here." The defenction asked the proper light with the proper lefect." The defenction and some of the defect.

"Well, it must have been over here." The defenction asked the court defined the motion. The jury stood 6 to 8. The defenction asked the proper light with the proper light wi improvident acts in its management. And this custom is but the outgrowth of the The case has been tried three times. on the detail management of the supervise the detail management of the supervise the detail management of the supervision it would be acquired by such supervision in the supervision in the supervision is supervision.

> can be mandamused. In opposing the motion for delay counsel for the plaintiff said that "it ill becomes this wealthy corporation to resist the efforts of plaintiff to secure a verdict by making an unheard of and unauthorized application." Justice Raymond seer

NERVY 14-YEAR-OLD ROBBER BROOKLYN BOY DOESN'T LOOK

THE PART, BUT HE ACTS IT. In regard to Mr. Gould, the court says Talks Like a Seasoned Crook Till He's Cornered and Then Breaks Down Can't Remember All His Robberles

Weakness for Drama His Undoing.

about Raymond Beck in the Children's Court that Schoeck and Greenough were ed to prison to be arraigned to-morrow

awning maker of 7 Cypress avenue, stood beside the boy in the Children's Court, occasionally passing a handkerchief over

"There is nothing I can say," said the father to Justice Ryan. "I have watched Raymond since he was put on probation after they said he stole a gold watch at school last January. He has been bringing money home to his mother every week. I thought until to-day he earned

When Raymond Beck was arrested at

I'm going to make trouble for you." Cavanaugh is the same soft spoker Irishman who persuaded Matteo Delomo murderer of his mother, his sister and his niece, to confess on Tuesday after all night hectoring by others had failed He and Detective Conroy led the boy

"Raymond, you're certainly wise for your age, but you don't look to me like a boy who would do anything wrong by bad company.

quietly from the theatre. Said Cavan-

Cavanaugh, whose eye is as sharp a his speech is gentle, thought he saw tears forming in Raymond's eyes. "Come," said the detective, "we've got

a lot of persons who have given descriptions of a thief that just fits you. Let's visit them."

The boy replied "All right," and they were off. First they went to the apartment of Mrs. Schwartz at 1113 Putnam avenue. She knew just how Raymond looked, for on his way out after robbing the home of H. M. Lorey in the same building he had lifted his cap and held the front door open for her as she was passing out.

"It's the same boy," Mrs. Schwartz
safti when the detectives presented themselves with Raymond. Whereupon they

"Well, I was working the day she claims
I was here," insisted the prisoner.

"But," flashed the detective, "she hasn't
specified any day as that of the robbery.
Raymond, I fear you are lying. Will
you teil me the truth, or shall I tell the

The boy was bibling in an instant and saying, "You're a white cop. I did it, and that's the truth." He confessed that he had robbed the Loreys, that he had taken \$150 worth of jewelry from the home of Mrs. Mary Manheimer at 10 Bleecker street, and to many other thefts at addresses that he couldn't remember He had taken five rings, a gold watch and two theatre tickets from the home of Mrs. Shields on Saturday last and had Manhattan for \$3 after pawning the rings of the board, for conspiracy in connection for \$12 and dividing the money with Greenough and Scheek. One of the theatre tickets he had thrown away; the court Justice Francis J. Swayze and a strong that the strength of the strengt other was the one that led to his arrest.

By this time it was late in the evening but the boy said he would take the detectives to a vacant lot where he had hidden some of the stuff that had not yet been pawned. The lot was at Palmetto street and Irvingl avenue. The boy escorted Cavanaugh and Conroy to a corner and said with the proper respect for dramatic and didn't even know where the board's ther was the one that led to his arrest. said with the proper respect for dramatic

at 7 o'clock yesterday morning the boy and the police excavators were back at the barren lot. Again Raymond pointed out the wrong spot. "I'm getting very tired," he observed after the spades had been vainly plied for several minutes. "It's tired you are?" said Cavanaugh. "It's tired you are?" said Cavanaugh.
"Just try again and pick the right spot
this time, if there is a right spot, and then
you'll have a chance to rest."
Raymond crossed the lot and jabbed a

finger toward a post of an old fence. For the last time the detectives dug. A foot or so under the surface of the clayey soil they found a tin can. In the can were four rings. One was a solitaire diamond, another was set with sixteen chip dia-monds, the third had a garnet and the

to secure a verdict by making an unheard of and unauthorized application." Justice Scabury refused to grant a stay.

No Sunday Work on State Building.

ALBANY, Nov. 15.—The trustees of public buildings have ordered that there be no Sunday work on the res. State one driving an express wagen and the conditions. tions that arise. Any construction of the law that would make it impossible for such ment to accept positions upon various boards of directors would seriously impair both the effectiveness and stability of corporations, in fact be little less than calamitous.

The court decades that the plaintiff's assertion that the directors may delegate to the executive course of the executive course tions that arise. Any construction of the law data transposition of the law that would make it impossible for such men to accept positions upon various boards of directors would seriously impair both the effectiveness and stability of corporations, in fact be little less than calamitous.

The caucit decides that the plaintiff is assertion that the directors may delegate to the executive committee their work assertion that the directors may delegate to the executive committee their work in eccord with the law of this State. "If they may delegate the work, suys topinion, "they gate not responsible for its best of the executive committee, and this principle is not the law of the law of the state."

Bank Examiners Appointed.

Albany, Nov. 15.—State Superintendent of popinion, "they are not responsible for its best of the law of



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are little heavier-but how

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there - the weight is the

13th St.

SHAD FISHER'S GRAFT STORY.

Says He Did No Work and Gave Hudson

County Sheriff Cheeks He Got for It.

The trial of former Sheriff John Zeller,

resident of the Hudson county, New

Jersey, Board of Elections, and Robert J. Wiencke, Jr., his son-in-law, a clerk

Court Justice Francis J. Swayze and a

and didn't even know where the board's

m the balance due him.

burglary and grand larceny.

LEFT HIS FINGER PRINTS.

Chief Evidence Against a Burgiar Who

Forget His Gloves.

weight of pure wool.

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smart and good looking our

overcoats are.

about an overceat.

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ness.

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of his fingers at the time the first prints were taken. They were absolutely identical with prints which were taken at the Tombs after his arrest on the burglary charge.

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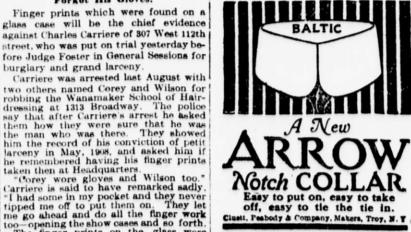
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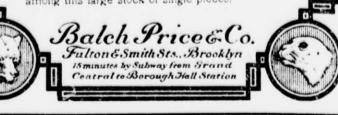


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BROOKLYN ADVERTISEMENTS.

ast of 100, with Julia Sanderson, Fra Moulan, Will West, Elizabeth Firth, Alan Mu

CRITERION B'way, 44th St. Eve. 8:15

KITTY GORDON in the o

THE ENCHANTRESS

BROOKLYN ADVERTISEMENTS.

NEW YORK'S LEADING THEATRES AND SUCCESSES EMPIRE Rway & 40th St. Eves. 8:20. Last 3 NEW AMSTERDAM W. 42d St. Eve. 8:1 Weeks Klay & Frianger's Miskel Compet Del

JOHN DREW comedy success. LIBERTY W. 42d St., near B'way, Eve. 8:15. **DUSTIN and WILLIAM FARNUM** LYCEUM B'way, 45th St. Eve. 8:15. Last THE LITTLEST REBEL Miss Billie Burke "RUNAWAY THE QUAKER GIRL CLIPTON CRAWFORD KNICKERBACKER By. 38th St. Evs. at 8.15.

DONALD In New York's Pet THE

BRIAN Musical Company SIREN

HUBSON 44th St. near B'way. Eve. 8:25. HELEN WARE THE PRICE HARRIS West 42d St. Eve. 8:20.

Mats. To-day & Sat. 2:15.

ROSE STAHL in Charles Kicin's latest success.

MAGGIE PEPPER.

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HERALD SQR. B'way & 35th. Evs. 8:15.

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MANHATTAN Op. House, 54th & 8th Av Last 3 Weeks, Evs. 8 Sharp, Wed. & Sat.2 Sharp

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GENTURY (Formerly New Theatre) Phone 850 Co. Levgs. 8 Sharp, Mats. Wed. & Sat. 2 Sharp. Seats on Sale to Dec. 30. Prices 50c. to \$2.50.

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COHAN own Co

ASTOR B'way, 45th. Eves. 8:15. Mats. Wed. Mats. foc-\$1.50. GLEE PRESIDES; GLOOM HIDES.

HITCHCOCK In the new Musical Play THE RED THOW.

Seats Selling for Thanksgiving Day Mat

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The Box Office at the MADISON SQUARE GARDEN NOW OPEN from 9.A M until 6.30 P. M. for the sale of seats and boxes for the entire week of the show, and FOR RESERVED SEATS FOR ANY SINGLE PERFORMANCE.

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BELASCO 44th St. nr. B'way. Eves. at 8:15.
Matinees To-day & Sat. 2:15.

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THE LITTLE MILLIONAIRE.
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To-night: "Romeo and Juliet": Fri. night. Makeshin": Sat. Mat. and night. "Hamlet."

Next Week: Mon. and Tues. Eygs. Taming the Sirew", Wed. Mat. "Hamlet"; Wed. ight. "As You Like It": Thurs. night. "Macein": Fri. night. "Romeo and Juliet": Sat. Mat. SIMONE in THE WHIRLWIND. LAST 4 TIMES.

MME SIMONE in THE WHIRLWIND. "Have the Market Willed Single Simone in The Paring in English Tues. Nov. 21 VIOLA ALLEN (Seats To-day) in "The Lady Of Coventry." a love romance.

CASINO, B'y 39th. Ev. 8:10. Mats. Wed &Sat.2:10 in "The Lady Of Coventry," a love romand 100th Time Wed. Eve. THE KISS WALTZ 39th ST. Thea. 30th near B'way. Evgs. 82 Nov. 22. Souvenirs. Maxine Elliott's Th. 38 bet By & 6 AV. EV. 8:30.

LAST 4 TIMES. Green

MILLION

BROADWAY Thea. 41st St & B'v. Eves. 8:12 Lew Fields THE NEVER HOMES Mats. Wed presents THE NEVER HOMES & Sat. 2:12

CHEDRAMA PLAYERS Donald Robertson METROPOLITAN OPERA HOUSE To-night, at 8:15—Girl of the Golden West. Mmes. Destinn, Mattfeld: MM. Caruso, Amato, Gilly, Relss, Didur, de Segurola, Bada. Conducter Toscanin.

Gilly, Reiss, Didur, de Segurola, Bada. Conducter Toscanini.

Fri. Evg., at 7:45—Tristan und Isolde. Nme. Fremstad, Matzenauer, MM. Burrian, Well (debuil, Witherspoon, Hinshaw, Reiss, Murphy, Cond., Toscanini.

Sat. Mat., at 2:15. First Time in America-Lobetanz. Mmes. Gadski, Sparkes, Casé, Mi. Jadiowker, Witherspoon, Hinshaw, huysdael, Murphy, Conductor, Hertz.

Sun. Evg., 8:30. Pop. Price Concert.

The Eminent Russlan ZIMBALIST Violipist, EFREM Mme. Fremstad-Mr., Amato. Entire Metropolitan Orchestra. Cond., Pasternach.

Next Week: Mon. Evg., at 8:15. Ma'ama Butterfly, Mmes. Farrar, Fornia, MM, Maliis, Scottl, Bada, Audislo. Cond., Toscanini. Med. Evg. at 8-Faust. Mmes. Farrar, Msubourg, Mattfeld; MM, Jadlowker, Gilly, Rothic, Begue. Conductor, Sturani.

Thurs. Evg., at 7:30—Goetterdacemmerum. WALLACK'S B'way & 30th St. Evgs. 8:20-Mats. Wed. & Sat. 2:20. GEORGE ARLISS in DISRAELI GEO. COHAN Theatre, B'way & 43 St.
M. Mats. Wed. & Sat. 2:15.
ALL BOX OFFICE RECORDS
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> 'onductor, Hertz. HARDMAN PIANO USED. SYMPHONY

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Next Sanday Aft., Nov. 19, at 3.
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A Sam Williams, others

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